

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

**In re: Subpoena to National Academy
of Sciences**

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Misc. Action No. 7:24-mc-00005-RJ

AMENDED STIPULATED PROTECTIVE ORDER

This matter comes before the Court on the joint motion of the parties for entry of an Amended Stipulated Protective Order, in order to attempt to resolve, in whole or in part, the pending discovery dispute between the National Academy of Sciences (the “Academy”) and the Plaintiffs’ Leadership Group (the “PLG”) concerning the Academy’s withholding of certain documents treated and held as confidential by the Academy, including documents that the Academy contends reflect preliminary internal discussions of the committee, internal reviews and documents relating to the appointment of committee members. The Academy asserts these withheld documents are protected from disclosure because they include the internal preliminary scientific analyses of the committee or information related to committee appointments (the “Withheld Documents”). The parties, including the United States of America, have agreed to the following limited document review, subject to all of the terms of this Stipulated Protective Order, and further subject to the Court’s approval. The sole purpose for this review is to determine whether the PLG will continue to request production of the Withheld Documents. Therefore, pursuant to Rule 26(c) of the Federal Rules of Civil Procedure and for good cause shown, the Court finds that entry of a Stipulated Protective Order is warranted.

The Court hereby ORDERS that counsel designated below for the PLG and for the United States of America can review the Academy’s Withheld Documents subject to the following terms:

1. Only J. Edward Bell, III; Kevin Dean; Hank Young; and/or Matthew D. Quinn for the PLG, and Adam Bain, Sara Mirsky, and/or Elizabeth Platt for the United States of America (collectively, “Review Counsel”) may review the Withheld Documents.

2. Review Counsel shall be bound by the terms of this Stipulated Protective Order and shall each execute a certification in the form attached as “**Exhibit A.**”

3. Review Counsel will not be permitted to copy, photograph, scan, video, in whole or in part, or take any notes concerning any of the Withheld Documents. However, during the document review, counsel for the Academy may create a list of the specific documents, if any, that Review Counsel may wish to request that the Court review *in camera*. The foregoing list shall be limited to the corresponding document title and date from the Academy’s revised confidential log, and the list shall not contain any other summary, characterization or description of the documents listed.

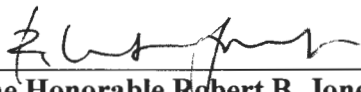
4. Review Counsel shall not bring any electronic devices, including but not limited to cell phones, smart watches, iPads, electronic notebooks, cameras, scanners, copiers, recording devices, etc. into the room where the Withheld Documents are reviewed.

5. Review Counsel may not discuss with or disclose to anyone what is in the Withheld Documents, or the substance of the Withheld Documents, or any portion thereof, for any purpose at any time, including but not limited to the Court in this matter. However, nothing herein shall prohibit the following: (a) Review Counsel may seek Court permission to conduct an *in camera* review of any Withheld Documents, and (b) subject to the requirements of the proceeding sentence, Review Counsel may argue that the PLG can meet their burden of showing relevance and need outweighing the Academy’s need for confidentiality (however, unless the Court orders otherwise, the argument shall not reference the contents of the documents at issue or a summary thereof).

Further, nothing herein shall prohibit Review Counsel from holding non-public and confidential discussions solely among and between Review Counsel or with legal counsel for the Academy subject to the terms of this Stipulated Protective Order.

6. As a result of this review, no legal counsel or party shall assert or argue that the Academy has waived, diminished or altered any rights, protections, positions or privileges as to the Withheld Documents or applicable protections from disclosure pertaining to the Withheld Documents, all of which are reserved and preserved in full as they existed prior to the review.

SO ORDERED this 10 day of October, 2024.



The Honorable Robert B. Jones, Jr.
United States Magistrate Judge

STIPULATED TO BY:

/s/ Michael C. Davis

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EXHIBIT A

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CERTIFICATION

1. My name is _____.
2. I have read the Stipulated Protective Order dated _____ that has been entered in this case. I understand the provisions of the Stipulated Protective Order, and agree to comply with and to be bound by its provisions and not to challenge any of its provisions. I also consent to the jurisdiction of this Court for purposes of enforcement of the Stipulated Protective Order.
3. I declare under penalty of perjury that the foregoing is true and correct.

Executed this _____ day of September, 2024.

by _____, counsel for _____.
(Print Name and the Party You Represent)

Signed _____